

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 23, 1948

9:00 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent : None

Present also: Guiton Morgan, City Manager; and Members of the Board of Equalization.

The appeals of taxpayers from the action of the Board of Equalization for the year 1948 were heard as follows:

E. M. Scarbrough & Sons, represented by Dan Moody, Attorney, protested the valuation placed on the Scarbrough Building, claiming that same was not allowed the same depreciation as the Littlefield Building, which is comparable to it in type of construction, age, and location. The Council took the matter under advisement for an inspection of both buildings.

Kurt Meyer protested the valuations placed on the improvements located at 708 Highland Avenue, 800 Highland Avenue, 1602 Travis Heights Boulevard, 1702 Kenwood Avenue, 1902 Lake Austin Boulevard, 1904 Lake Austin Boulevard, and 1513 Woodlawn. The Council took the matter under advisement for an inspection of the properties.

Roswell Miller protested the valuation placed on property on Northumberland Road, claiming that same was entitled to a depreciation on account of the lack of utilities. He further claimed that all of Highland Park is over-assessed and that the valuations on same should be reduced. The Council took the matter under advisement for an inspection of the property.

Mrs. May Dear protested the valuation placed on the land of the old Freund homestead at 1309 West 34th Street, claiming that same was increased from \$985.00 to \$4,990.00. The Council took the matter under advisement for an inspection of the property.

Horace Black, owner of Rio Grande Courts, requested a refund on taxes paid by him for the year 1947 on the land, to-wit, 110x397.50 feet of Lots 3 and 4 of Desha Bunton Survey, which was valued at \$4910.00, claiming that the valuation on said land was reduced to \$2460.00 for the year 1948, and that he

was entitled to this reduction for 1947, as his neighbors were given a reduction by the Board of Equalization on a like valuation on their property for 1947, but that he was denied such reduction by the Board. The Council took the matter under advisement for consideration.

A report from the City Manager, the Health Department, the Police Department, and the veterinarians of the City recommending the quarantine of all dogs for a given period of time to prevent the further spread of rabies was received.

The following ordinance was then introduced by Councilman Glass:

AN ORDINANCE PREVENTING THE RUNNING AT LARGE OF ANY DOG, LICENSED OR UNLICENSED, IN THE CITY OF AUSTIN, TEXAS, UNTIL AFTER THE 30TH DAY OF JUNE, 1949; DEFINING CERTAIN WORDS AND PHRASES USED IN THE ORDINANCE; MAKING THIS ORDINANCE CUMULATIVE OF THE CERTAIN ORDINANCE REGULATING THE LICENSING AND VACCINATION AND IMPOUNDING OF DOGS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JULY 1, 1943, AND RECORDED IN BOOK "L", PAGES 331-337, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; PRESCRIBING CERTAIN PENALTIES; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

The Mayor announced that the ordinance had been finally passed.

Heard a complaint by a Mr. Johnson against the dumping of dead cats and dogs along Gonzales Street. The matter was referred to the City Manager for investigation.

Pursuant to published notice thereof, the public hearing on the application of Paul O. Simms, by W. D. Hart, Attorney, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District:

Lots 7, 8, and 9, Block 4, Penn Park Addition, located on the corner of 35th and San Gabriel Streets, in the City of Austin, Travis County, Texas.

was duly opened.

No property owner, or other interested person, appearing to protest the proposed change, Councilman Bartholomew moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of Walter Bohn to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District:

West 52'x100' of Lots 4 and 5, Block 44 ; 50'x150'
of Lot 7-A, Block 44; Lot 3 and a part of Lot 2,
Block 45; all in Outlot 24, Division C, Christian
and Fellman Addition, being located at the south-
west corner of East Avenue and East 23 $\frac{1}{2}$ Street, in
the City of Austin, Travis County, Texas,

was duly opened.

Two property owners, Mrs. Chas. J. Sharborough and Mrs. W. E. Johnson, appeared and stated that they were not particularly protesting the change, but had been informed by an attorney that there were legal restrictions against the commercial use of Cole Street placed against same when it was vacated and the property reverted to abutting property owners.

No other property owner or interested person desiring to be heard, Councilman Glass moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Pursuant to published notice thereof, the public hearing on the application of L. P. McCarty to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District:

Lot 25, Block 9, Rosedown Addition, located at
2116 West 49th Street, in the City of Austin,
Travis County, Texas,

was duly opened.

Several property owners appeared to protest the proposed change.

Mayor Miller moved that the action of the Board of Adjustment be sustained and the change be denied. The motion carried by the following vote:
Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Southern Bedding Manufacturing Company and J. E. Griffith

- I. Referred to the Board by the City Council on : December 9, 1948
- II. Property affected: Lots 4 and 5, Block 3, Sunrise Addition, being located at the southwest corner of Manor Road and Maple Avenue and locally known as 2309 Manor Road.
- III. To be changed:

From : "A" Residence District and First Height and Area District
To : "C" Commercial District and First Height and Area District
- IV. Considered by the Board on : December 21, 1948
- V. Parties appearing:

For : Perry E. Thompson for the Southern Bedding Manufacturing Co.

Against: Grover C. Colvin, on the grounds that he had recently purchased a lot located southwest of the property proposed to be changed with the knowledge that this was a residential district and for the purpose of erecting a home thereon, and that he desires the present classification to be unchanged.
- VI. Action of the Board: Change recommended
 1. This application is for a change of zoning on property located at the southwest corner of Manor Road and Maple Avenue, on which property there now exists a non-conforming mattress factory.
 2. The property on the north across Manor Road and that on the east across Maple Avenue has recently been zoned "C" Commercial District, and the property in the block to the west across Chestnut Avenue is now commercial.
 3. The Board deemed, since the surrounding property is now commercial and because of the existing use on the applicant's property, that the nature and character of the land in question would also justify its change to "C" Commercial District.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the application of the Southern Bedding Manufacturing Company for change in zoning be called for Thursday, January 13, 1949, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of O. R. Lott, Sr., for change in zoning, from "A" Residence District to "D" Industrial District, of property located at 2516 East 7th Street, being Lot 23, Paul Simms Subdivision of Outlot 22, Division "A", was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Jr/
The application of Jack G. Taylor and A. P. Dooley, by Ben H. Powell, for change in zoning, from "B" Residence to "A" Residence, of Lots 1 to 7 inclusive, of Block 2, and all of Blocks 1, 3, 4, 5, and 6 of Westfield A, being property located between Saybrook Lane and Wayside Drive and Enfield Road and West 12th Street, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of P. S. Mangum for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 2310 Manor Road and 2400 Manor Road, being Lots 17 and 18, Forest Hills "B", was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON EAST 100 FEET OF LOTS 5 AND 6, OUTLOT 44, DIVISION E, LOCATED AT CORNER OF CONGRESS AND EIGHTEENTH STREETS IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Mayor Miller announced that the ordinance had been finally passed.

Councilman Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "I", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY PERMITTING LIGHT MANUFACTURING WITH CERTAIN RESTRICTIONS IN "C" COMMERCIAL DISTRICT BUT NOT IN A COMMUNITY CENTER, PERMITTING VETERINARY HOSPITALS IN "C" COMMERCIAL DISTRICT UPON LEGAL PERMIT ISSUED BY THE CITY COUNCIL, PERMITTING CREAMERIES AND ICE CREAM MIXING PLANTS IN "C" COMMERCIAL DISTRICT BUT NOT IN A COMMUNITY CENTER; AMENDING "C-1" COMMERCIAL DISTRICT SO AS TO PERMIT ONLY BEER AND WINE USES IN ADDITION TO USES PERMITTED UNDER RESIDENTIAL AND "C" COMMERCIAL DISTRICT; AMENDING "C-2" COMMERCIAL DISTRICT SO AS TO PERMIT ONLY BEER, WINE, AND LIQUOR USES IN ADDITION TO USES PERMITTED UNDER "C" COMMERCIAL AND "C-1" COMMERCIAL DISTRICTS; REMOVING FROM "C-2" COMMERCIAL DISTRICT USES FOR CONTRACTOR'S PLANT AND STORAGE YARDS AND USED CAR JUNK AREAS; PROVIDING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Glass moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor announced that the ordinance had been finally passed.

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute, in behalf of the City of Austin, a license and lease agreement with the United States of America granting to the United States the license, right and privilege to install, operate and maintain an approach light lane; an instrument landing system; radar facilities, and necessary control facilities, upon and at the Municipal Airport on lands more particularly described as follows:

LOCALIZER SITE: A tract of land 550 feet by 275 feet described as follows: From the northwest end of the northwest-southeast runway at above mentioned airport go N. $45^{\circ}13'$ W. 675 feet with the centerline of said runway produced to the POINT OF BEGINNING; thence go N. $44^{\circ}47'$ E. 225 feet; thence go N. $45^{\circ}13'$ W. 275 feet; thence go S. $44^{\circ}47'$ W. 550 feet; thence go S. $45^{\circ}13'$ E. 275 feet; thence go N. $44^{\circ}47'$ E. 325 feet, returning to the POINT OF BEGINNING, CONTAINING 3.5 acres, more or less.

GLIDE PATH UNIT: A tract of land 50 feet square, with its center located 400 feet northeast from the centerline of the northwest-southeast runway and 750 feet northwest of the southeast end.

ENGINE GENERATOR SITE: A tract of land 35 feet square adjacent to and just south of the existing control tower.

APPROACH LIGHT LANE AND BOUNDARY MARKER: A tract of land 1,550 feet long and 50 feet wide with its centerline parallel to and 85 feet southwest of the centerline of the northwest-southeast runway produced. Said tract to start at the southeast end of runway and run southeast 1,550 feet and also a tract 140 feet square with its center 250 feet southeast from the southeast end of the northwest-southeast runway and 180 feet southwest from the centerline of said runway produced. All bearings are true;

said license and lease agreement to become effective January 1, 1949, and remain in force until June 30, 1949, renewal from year to year at the option of the United States with the limit on such renewals fixed as June 30, 1967; such license to be cancelled by either party upon six (6) months notice in writing, or at any date mutually agreed upon; all structures, improvements or other property placed on the premises by the United States to remain its property with the right of removal upon expiration or termination of any period, or within ninety (90) days thereafter; this license to supersede and replace License C4ca-4579, executed by the City of Austin under date of January 3, 1947.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, under judgments of the District Court of Travis County, Texas, in Tax Suit No. 77,760, entitled, The State of Texas et al vs. H. B. Curry, et al, Lots 11 and 12, in Block 6, of M. E. Wilson Subdivision in the City of Austin, Travis County, Texas, and in Tax Suit No. 77,761, entitled, The State of Texas et al vs. Simmons Hardware Company et al, Lots 1 to 4, inclusive, 5, 6, and 7 to 10, inclusive, in Block 3, of M. E. Wilson Subdivision in the City of Austin, Travis County, Texas, were sold to the State of Texas; and

WHEREAS, Beatrice O. Hardin has offered to pay the values established on said lots; and

WHEREAS, the County Tax Collector of Travis County, Texas, for and on behalf of the State of Texas, as provided in Article 7345-b of Vernon's Annotated Civil Statutes, has consented to such sale of lots at the established values; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Tom Miller, Mayor, be and he is hereby authorized and directed to execute a deed for and on behalf of the City of Austin, to Beatrice O. Hardin, and to her successors in title, conveying all right, title and interest of the City of Austin in and to Lots 11 and 12, in Block 6, and Lots 1 to 4, inclusive, 5, 6, and 7 to 10, inclusive, in Block 3, all in the M. E. Wilson Subdivision in the City of Austin, Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 22(e) 23(d) AND 26(a), OF ARTICLE IV, REPEALING RESPECTIVELY TO ONE HOUR PARKING, LOADING ZONE, AND ANGLE PARKING LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EVANS AVENUE from East 46th Street southerly 149 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Evans Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in WEST 51ST STREET from a point 135 feet east of Burnet Road westerly 142 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said West 51st Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in BURNET ROAD from West 51st Street northerly 8 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Burnet Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of CLIFFORD VINCENT BALL, 1901 West 36th Street, for a license to operate as a taxicab a Chevrolet Sedan, 1946 Model, Motor No. DAA-210477, State License No. JB-6104, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of RUDOLPH RYANS, 2304 East 12th Street, for a license to operate as a taxicab a 1949 Model, Ford Fordor, Factory No. 98BA-286877, State License No. JV-9219, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of MELVIN M. STEVENSON, 110 East Johanna Street, for a license to operate as a taxicab a 1948 Model, Chevrolet Sedan, Motor No. FAA-39801, State License No. JC-5727, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of BUFORD APPELLEMAN, 1209-B Newning Avenue, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of VICTOR LEE KING, 2714 East 2nd Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of OLIVER T. LAWRENCE, 1503 West 5th Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of ROBERT COLLIER, 409 West 37th Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The appeal of WILLIAM CULLEN BRYANT, 2104 Holly Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Glass that appellant be granted a probationary taxicab driver's permit for 90 days, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The appeal of FRANK B. TREVINO, 804; East 10th Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Johnson that appellant be granted a 90-days probationary taxicab driver's permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The appeal of HARVEY EUGENE LAW, 1605 $\frac{1}{2}$ Garden Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, it was moved by Councilman Johnson that appellant be granted a 90-days probationary taxicab driver's permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of PARADISE CLUB, by Mrs. E. D. McIntyre, 1203-A Chicon Street, for a retailer's "on-premise" beer license, approved by the City Manager was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of THE TAP, by Ira White, 606 Maiden Lane, for a wine and beer license, approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Upon motion, seconded and carried, the meeting was recessed to 3:00 o'clock P.M., of this day.

Approved: _____

MAYOR

Attest:

City Clerk

AFTERNOON SESSION:

December 23, 1948
3:00 P. M.

The City Council reconvened at 3:00 P. M., with Mayor Miller presiding.

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Absent : None

Present also: Gulton Morgan, City Manager; and Joe Huffman, Finance Director.

Pursuant to published notice thereof, the public hearing on the budget of the City of Austin for the year 1949 was opened.

A group of musicians from the Austin Federation of Musicians, with Henry Parkinson, President, as spokesman, were present and requested that the money to be paid to them for concerts be disbursed by the Recreation Department, as heretofore, and not turned over to the Symphony Orchestra.

Roger Busfield, Chairman of the Executive Committee of the Symphony Orchestra, was present and asked that the budget of the Symphony Orchestra be changed to make the funds appropriated for this organization payable to it in

a lump sum, exclusive of the portion allocated to the Recreation Department, to enable the organization to control the appointment of the Director and the Secretary.

After considerable discussion, it was the sense of the meeting that the budget stand as it is, and that the Symphony Orchestra be given the authority to appoint the Director and the Secretary, with the approval of the City Manager, but no action was taken on the matter pending a called meeting of the Board of Directors of the Symphony Orchestra for adoption of its budget and submission of same to the City Council.

No other taxpayers appearing to be heard, the hearing was thereupon closed, and the following resolution was offered by Councilman Glass, who moved its adoption:

(RESOLUTION)

WHEREAS, the General Budget of the City of Austin, Texas, for the year 1949 has been prepared by the City Manager and presented to the City Council, and the same was filed with the City Clerk for public inspection; and

WHEREAS, a public hearing on said budget was held in the City Council Chamber at the City Hall, after due notice of said time and place, at which hearing the taxpayers of the City of Austin were given the opportunity to be present and participate in such hearing; and said hearing was finally closed; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the General Budget of the City of Austin for the year 1949 be and the same is hereby adopted, and the amounts set out respectively in said budget be and they are hereby respectively appropriated for the respective purposes and out of the funds respectively shown in said budget.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

(See pages immediately following end of this meeting for budget recorded in full)

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Paul O. Simms for the laying of certain water mains and other pipe in Loma Linda Subdivision, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Paul O. Simms, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Loma Linda Subdivision on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Oltorf Street, from west side of South Second Street eastward toward South First Street, a distance of approximately 210'.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Four Hundred and Eighty Dollars (\$480.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefit of the Customer in order to furnish water service to him, agrees to deposit the sum of Four Hundred and Eighty Dollars (\$480.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract

the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at anytime before the expiration of said ten (10) year period, the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances, and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Paul O. Simms has executed this the

____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

Paul O. Simms

Approved:

Director of Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector of the City of Austin has submitted to the City Council the tax roll and record of the City of Austin for the year 1948; and

WHEREAS, said tax roll appears in all respects to be correct in form, and prior to its submission the valuations of property shown in said roll have been examined and corrected in the manner provided by law and by ordinances of the City of Austin by the Board of Equalization which has made its report; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said tax roll showing a total amount of \$142,424,540.00 valuation of the property assessed for City and School taxes for said year and a total amount of \$3,890,183.31 levied as taxes for City and School purposes for said year, be and the same is hereby approved.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING
MUNICIPAL AND SCHOOL TAXES FOR
THE CITY OF AUSTIN, TEXAS, FOR
THE YEAR 1948; AND DIRECTING THE
ASSESSMENT AND COLLECTION THEREOF;
AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Joe Edgar for the laying of certain water mains and other pipes in LaPerla Subdivision, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Joe Edgar, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; WITNESSETH:

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials

necessary to lay and agrees to lay the certain water mains and other pipes in LaPerla Subdivision on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in South Fourth Street, from Herndon Lane to Juanita Street; in Juanita Street, from South Fourth Street to South Sixth Street; in South Sixth Street, from Juanita Street to Herndon Lane; in Herndon Lane from South Fourth Street to Oakcrest Avenue.

Two-inch (2") cast iron water mains in South Fifth Street, from Juanita Street to Herndon Lane.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Thirty-one Hundred Dollars (\$3100.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefit of the Customer in order to furnish water service to him, agrees to deposit the sum of Thirty-one Hundred Dollars (\$3100.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains described above for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at anytime before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraph II and Paragraph IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed by the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Joe Edgar has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By

City Manager

City Clerk

Joe Edgar

Approved:

Director of Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

There being no further business, Councilman Johnson moved that the City Council recess to the first Thursday in January, to-wit, January 6, 1949. The motion was seconded by Councilman Bartholomew, and same carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The meeting was then recessed.

Attest:

Helen M. Helen

City Clerk

Approved: Tom Miller

Mayor